

HOUSE BILL No. 2146

DIGEST OF HB 2146 (Updated February 26, 2001 1:45 PM - DI 55)

Citations Affected: IC 4-36; IC 10-7; IC 14-8; IC 14-9; IC 14-10; IC 14-12; IC 14-20; IC 14-21; IC 35-43; noncode.

Synopsis: Establishes the state museums commission as a public body corporate and politic. Empowers the state museums commission to operate and administer the state museum and historic sites. Provides for the appointment of the members of the state museums commission. Establishes the museums fund. Provides that the proceeds from fees for admission to the state museum and the historic sites, user fees, sales at museum shops, facility rentals, restaurant sales, and any other monies generated by the museums shall be deposited in the museums fund. Authorizes the state museums commission to develop a separate personnel system for employees of the commission and provides that the state museums commission's employees are subject to the state personnel system if the state museums commission does not adopt its own personnel system. Establishes the historic sites advisory council to make recommendations to the state museums commission regarding the maintenance, operation, and enhancement of the historic sites and their programs. Transfers all real property, personal property, and artifacts of the division of state museums and historic sites of the department of natural resources to the state museums commission. Provides that administrative rules concerning the division of state museums and historic sites that were adopted by the natural resources commission shall be treated as rules applying to the state museums commission. Transfers all powers, duties, assets, and liabilities of the department of natural resources regarding the division of state museums and historic sites to the state museums commission.

Effective: July 1, 2001.

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January 17, 2001, read first time and referred to Committee on Rules and Legislative February 26, 2001, amended, reported — Do Pass.



First Regular Session 112th General Assembly (2001)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in this style type, and deletions will appear in this style type.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or *this style type* reconciles conflicts between statutes enacted by the 2000 General Assembly.

HOUSE BILL No. 2146

A BILL FOR AN ACT to amend the Indiana Code concerning state administration and to make an appropriation.

Be it enacted by the General Assembly of the State of Indiana:

1	SECTION 1. IC 4-36 IS ADDED TO THE INDIANA CODE AS A
2	NEW ARTICLE TO READ AS FOLLOWS [EFFECTIVE JULY 1
3	2001]:
4	ADDICE DAG COLOR

- ARTICLE 36. State Museums Commission
- 5 **Chapter 1. Definitions**
- Sec. 1. The definitions of this chapter apply throughout this article.
 - Sec. 2. "Chief executive officer" means the chief executive officer of the state museum.
 - Sec. 3. "Commission" means the Indiana state museums commission established under IC 4-36-2.
- Sec. 4. "Council" refers to the historic sites advisory council established under IC 4-36-6.
- Sec. 5. "Foundation" refers to the state museum foundation or its successors.
- Sec. 6. "Fund" refers to the museums fund established under IC 4-36-4.

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1	Sec. 7. "Museums" refers to the state museum and the historic
2	sites.
3	Sec. 8. "Person" means an individual, a partnership, a
4	corporation, a limited liability company, an unincorporated
5	association, or a governmental entity.
6	Sec. 9. "State museum" refers to the Indiana state museum
7	located in the White River state park.
8	Chapter 2. State Museums Commission
9	Sec. 1. (a) The state museums commission is established.
10	(b) The commission is a public body corporate and politic. The
11	commission is separate from the state, but the exercise by the
12	commission of its powers constitutes an essential governmental
13	function.
14	(c) The commission may sue and be sued and plead and be
15	impleaded.
16	Sec. 2. (a) The commission consists of the following members:
17	(1) The governor, or the governor's designee, who shall serve
18	as chair.
19	(2) Six (6) persons appointed by the governor, not more than
20	two (2) of whom may be from the same county.
21	(3) Three (3) persons appointed by the foundation, each of
22	whom must be residents of different counties.
23	(b) The members of the commission other than the governor
24	shall be appointed for terms of three (3) years.
25	(c) The members appointed by the governor may be reappointed
26	or replaced by the governor.
27	(d) The members appointed by the foundation may be
28	reappointed or replaced by the foundation.
29	(e) Six (6) members of the commission constitute a quorum. The
30	affirmative votes of at least six (6) members are required to take
31 32	any action other than to adjourn a meeting of the commission.
33	(f) The commission may select a vice chairperson who may serve
34	a term of one (1) year. Sec. 3. (a) The commission is not required to pay any taxes or
35 36	assessments upon any property acquired or used by the commission under this article, or upon the income from that
37	property.
38	(b) The following are exempt from taxation in Indiana under
39	IC 6-8-5:
40	(1) Bonds issued under this article.
41	(2) Interest on bonds issued under this article.
42	(3) The proceeds received by a holder from the sale of the
74	(5) The proceeds received by a noticer from the safe of the



1	bonds issued under this article to the extent of the holder's
2	cost of acquisition, or proceeds received upon redemption
3	before maturity or proceeds received at maturity, and the
4	receipt of the interest and proceeds.
5	Sec. 4. The title to all of the following shall be held in the name
6	of the state of Indiana:
7	(1) Property constituting the museums.
8	(2) Property used in connection with the museums.
9	(3) Property acquired by the commission.
10	Sec. 5. Members appointed by the governor or the foundation
11	are not liable in an individual capacity, except to the state, for any
12	act done or omitted in connection with the performance of duties
13	under this article.
14	Sec. 6. (a) The commission is exempt from the following:
15	(1) The requirements of IC 4-13-2-20 requiring payment in
16	arrears.
17	(2) The procurement requirements under IC 5-22, except that
18	the disposition of surplus personal property shall be handled
19	under IC 5-22-22.
20	(b) Surplus real property of the commission shall be disposed of
21	under IC 4-20.5-7.
22	Chapter 3. Powers and Duties of the Commission
23	Sec. 1. The commission shall do the following:
24	(1) Collect, preserve, and interpret artifacts and materials
25	reflecting the cultural and natural history of Indiana.
26	(2) Prepare and maintain a statewide inventory of these
27	artifacts and materials.
28	(3) Collect and interpret artifacts from outside Indiana.
29	(4) Operate and administer the state museum and historic
30	sites.
31	(5) Maintain accreditation of the state museum.
32	(6) Uphold the highest professional and ethical standards as
33	adopted by the American Association of Museums.
34	(7) Adopt a code of ethics, subject to the approval of the
35	governor, for its employees, or submit to the jurisdiction and
36	rules of the state ethics commission.
37	(8) Cause an independent financial audit of the commission to
38	be performed annually.
39	Sec. 2. The commission may do the following:
40	(1) Qualify the museums for federal and other aid to preserve
41	historic property, materials, items, sites, and memorials.
12	(2) Provide information on historic property, materials, items,



1	sites, and memorials within Indiana to federal, state, and local
2	governmental agencies, private individuals, and
3	organizations.
4	(3) Advise and assist local museums, historical associations,
5	historic district commissions, historic commissions, and other
6	interested groups or persons in Indiana.
7	(4) Develop a program of interpretation, outreach, and
8	publication regarding any of the state's historical,
9	architectural, and archeological resources.
10	(5) Assist in the professional development of the museums'
11	staffs.
12	(6) Develop a plan to meet the physical, program, financial,
13	and staffing needs of the museums for both the immediate and
14	long range future, monitor the plan at regular intervals, and
15	ensure that the museums follow the plan.
16	(7) Donate, or make short term loans of, artifacts in the
17	museums' collections to other public or nonprofit museums or
18	historical societies located in Indiana.
19	(8) Adopt an official seal.
20	(9) Adopt bylaws.
21	(10) Adopt rules under IC 4-22-2 to carry out the purposes of
22	this article.
23	(11) Acquire by grant, purchase, gift, devise, lease, or
24	otherwise hold, use, sell, lease, manage, operate, clear,
25	improve, encumber, transfer, convey, exchange, or dispose of:
26	(A) real and personal property and any interest in real or
27	personal property;
28	(B) facilities;
29	(C) money or stocks; and
30	(D) any right or interest necessary or useful for carrying
31	out the commission's powers and duties under this article.
32	(12) Procure insurance against any loss in connection with its
33	operations.
34	(13) Employ persons or consultants as may be required in the
35	judgment of the commission and pay their compensation from
36	funds available to the commission.
37	(14) Enter into contracts, agreements, or other documents
38	with any person necessary to accomplish the purposes of this
39	article.
40	(15) Borrow funds as set forth in IC 4-13.5-4.
41	(16) Issue revenue bonds of the commission, payable solely
42	from revenues, as set forth in IC 4-13.5-4, or from the



1	proceeds of bonds issued under this article and earnings
2	thereon, to carry out the purposes of this article.
3	(17) Fix and collect rents, admission charges, entrance fees,
4	tolls, and other user charges for the museums, restaurants, or
5	other facilities.
6	(18) Establish policies for the governance and management of
7	the staffs of the museums.
8	(19) Hold meetings under IC 5-14-1.5 at the times and places
9	in Indiana that are prescribed by its bylaws.
.0	(20) Hire, fix the compensation of, review the performance of,
1	and dismiss the following:
2	(A) A chief executive officer, who shall be the director of
3	museums.
4	(B) A chief administrative officer, who shall generally
.5	supervise the work of the commission and the work of the
.6	museums.
.7	(21) Establish standards and criteria for the acquisition of
.8	historic properties and for the preservation, restoration,
9	administration and operation of the sites and structures
20	acquired by the commission and accept or refuse to accept an
21	offered gift of historic property that would be administered by
22	the commission.
23	(22) Review and approve annually a budget prepared by the
24	chief executive officer for the operation and maintenance of
25	the museums and the operation of the commission.
26	(23) Submit a budget to the budget agency and request and
27	receive appropriations from the general assembly.
28	(24) Pay royalties or license fees or charges for exhibits,
29	artifacts, art work, or materials.
30	(25) Do any and all acts and things necessary, proper, or
31	convenient to carry out this article.
32	(26) Own copyrights, trademarks, and service marks and
33	enforce its rights with respect to ownership.
34	(27) Make or sell the following:
35	(A) Pictures, models, books, and other representations of
36	the museums, their artifacts, and exhibits.
37	(B) Souvenirs, crafts, art, videotapes, digital video discs,
88	and other merchandise.
39	(28) Maintain museum shops and restaurants on property
10	that the commission manages and at other locations.
1	(29) Employ persons for the museum shops and restaurants.
12	(30) Contract with a corporation, firm, or nonprofit



1	organization for the management of the museum shops,
2	facility rental, and restaurants.
3	(31) Establish programs relating to the museums, exhibits,
4	artifacts or other appropriate topics and collect fees for the
5	following:
6	(A) Guest speaker or instructor programs.
7	(B) Educational or informational opportunities such as
8	trips and tours.
9	Chapter 4. Museums Fund
10	Sec. 1. (a) The museums fund is established. The fund shall be
11	administered by the commission.
12	(b) The commission may invest the money in the fund not
13	currently needed to meet the obligations of the fund in a manner
14	consistent with policies adopted by the commission.
15	(c) The expenses of administering the fund shall be paid from
16	the fund.
17	(d) The commission may spend the money in the fund for the
18	following purposes:
19	(1) Maintenance or repair of properties managed by the
20	commission.
21	(2) Maintenance, repair, and acquisition of the following:
22	(A) Exhibits, programming, and related expenses.
23	(B) Appropriate artifacts.
24	(C) Appropriate memorabilia and merchandise.
25	Sec. 2. The following applies to the fund:
26	(1) Proceeds from admission and user fees, sales at museum
27	shops, facility rentals, restaurant sales and any other monies
28	generated by the museums shall be deposited in the fund.
29	(2) Gifts of money or the proceeds from the sale of gifts
30	donated to the state museum shall be deposited in the fund.
31	(3) All money accruing to the fund is appropriated
32	continuously for the purposes of this article.
33	(4) Money in the fund at the end of a state fiscal year does not
34	revert to the state general fund.
35	Sec. 3. The chief executive officer shall report annually to the
36	commission on the activities, revenues, expenditures, and profits of
37	the museum shops, facility rental, and restaurants.
38	Chapter 5. Personnel Administration and Retirement
39	Sec. 1. (a) The commission may:
40	(1) develop a separate personnel system for employees of the
41	commission; and
42	(2) establish the rights and duties of its employees, including



1	a pay scale and benefit package.
2	(b) If the commission does not adopt a personnel system under
3	this section, its employees are subject to the state personnel system
4	under IC 4-15-1.8.
5	Sec. 2. The commission may:
6	(1) develop a retirement program for employees of the
7	commission; or
8	(2) require employees of the commission to be members of the
9	public employees retirement fund under IC 5-10.3-7.
10	Sec. 3. (a) The chief executive officer and controller or fiscal
11	agent of the museums shall, before entering upon the discharge of
12	their duties, provide surety bonds each in the sum of one hundred
13	thousand dollars (\$100,000), conditioned for the faithful
14	performance of such duties as may be imposed upon them by law.
15	(b) Persons required to give a bond under this article are
16	entitled to furnish as surety any surety company authorized to
17	transact business in Indiana that meets the approval of the
18	commission.
19	(c) The premium on any bond required under this chapter shall
20	be paid by the commission.
21	Sec. 4. All employees of the commission employed within a
22	classification covered by a labor agreement to which the state is a
23	party shall continue to remain subject to the terms and conditions
24	of the agreement and any successor labor agreements entered into
25	by the state.
26	Chapter 6. Historic Sites Advisory Council
27	Sec. 1. The historic sites advisory council is established to make
28	recommendations to the commission regarding the maintenance,
29	operation, and enhancement of the historic sites and their
30	programs.
31	Sec. 2. The council consists of the following members:
32	(1) The president of each historic site's friends group or
33	foundation.
34	(2) The chief executive officer, who shall act as chair.
35	(3) Two (2) members of the commission, designated by the
36	chair of the commission.
37	Sec. 3. (a) Each member of the council is entitled to
38	reimbursement for traveling and other expenses as provided in the
39	state travel policies and procedures established by the state
40	department of administration and approved by the budget agency.
41	(b) Each member of the council who is not a state employee is

entitled to the minimum salary per diem as provided in IC 4-10-11-2.1(b).



1	Sec. 4. The council shall do the following:
2	(1) Recommend to the commission policies, procedures, and
3	practices regarding the maintenance and operation of the
4	historic sites.
5	(2) Review and assist in the development of statewide
6	outreach programs for the historic sites and make
7	recommendations with respect to these programs to the commission.
8	(3) Review and evaluate the programs and operations of the
9	historic sites and make recommendations with respect to
0	those matters to the commission.
.1	(4) Review the budget needs and requests of the historic sites
2	and make recommendations to the commission with respect
.3	to those needs and requests.
4	(5) Promote the welfare of the historic sites.
.5	Sec. 5. (a) The council shall meet at least quarterly as follows:
6	(1) One (1) quarterly meeting shall be held in the northern
.7	region of Indiana.
8	(2) One (1) quarterly meeting shall be held in the central
9	region of Indiana.
20	(3) Two (2) quarterly meetings shall be held in the southern
21	region of Indiana.
22	(b) A report of each meeting and recommendations to the
23	commission shall be prepared following each meeting and provided
24	to the commission.
25	SECTION 2. IC 10-7-2-34 IS AMENDED TO READ AS
26	FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 34. (a) The commission
27	shall employ an individual who is responsible for the care and
28	preservation of all personal property owned by the commission that has
29	historic significance.
30	(b) The individual employed by the commission under subsection
31	(a) must meet the qualifications set by the division of state museums
32	and historic sites of the department of natural resources. commission.
33	SECTION 3. IC 14-8-2-77 IS AMENDED TO READ AS
34	FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 77. "Division" has the
35	following meaning:
36	(1) For purposes of IC 14-9-8, the meaning set forth in
37	IC 14-9-8-2.
88	(2) For purposes of IC 14-20-1, the meaning set forth in
19	IC 14-20-1-2.
10	(3) (2) For purposes of IC 14-21-1, the meaning set forth in
-1	IC 14-21-1-6.

(4) (3) For purposes of IC 14-22, the division of fish and wildlife.



1 2	(5) (4) For purposes of IC 14-24, the division of entomology and
	plant pathology.
3	(6) (5) For purposes of IC 14-31-2, the meaning set forth in IC 14-31-2-4.
4	
5	(7) (6) For purposes of IC 14-37, the division of oil and gas.
6	SECTION 4. IC 14-8-2-107, AS AMENDED BY P.L.160-1999,
7	SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
8	JULY 1, 2001]: Sec. 107. "Fund" has the following meaning:
9	(1) For purposes of IC 14-9-5, the meaning set forth in
10	IC 14-9-5-1.
11	(2) For purposes of IC 14-9-8-21, the meaning set forth in
12	IC 14-9-8-21.
13	(3) For purposes of IC 14-9-9, the meaning set forth in
14	IC 14-9-9-3.
15	(4) For purposes of IC 14-12-1, the meaning set forth in IC 14-12-1-1.
16	
17 18	(5) For purposes of IC 14-12-2, the meaning set forth in IC 14-12-2-2.
18	(6) For purposes of IC 14-12-3, the meaning set forth in
20	IC 14-12-3-2.
21	(7) For purposes of IC 14-13-1, the meaning set forth in
22	IC 14-13-1-2.
23	(8) For purposes of IC 14-13-2, the meaning set forth in
24	IC 14-13-2-3.
25	(9) For purposes of IC 14-19-4, the meaning set forth in
26	IC 14-19-4-1.
27	(10) For purposes of IC 14-19-5, the meaning set forth in
28	IC 14-19-5-1.
29	(11) For purposes of IC 14-20-1, the meaning set forth in
30	IC 14-20-1-3.
31	(12) (11) For purposes of IC 14-20-11, the meaning set forth in
32	IC 14-20-11-2.
33	(13) (12) For purposes of IC 14-22-3, the meaning set forth in
34	IC 14-22-3-1.
35	(14) (13) For purposes of IC 14-22-4, the meaning set forth in
36	IC 14-22-4-1.
37	(15) (14) For purposes of IC 14-22-5, the meaning set forth in
38	IC 14-22-5-1.
39	(16) (15) For purposes of IC 14-22-8, the meaning set forth in
40	IC 14-22-8-1.
41	(17) (16) For purposes of IC 14-22-34, the meaning set forth in
42	IC 14-22-34-2.





1 2	(18) (17) For purposes of IC 14-23-3, the meaning set forth in IC 14-23-3-1.
3	(19) (18) For purposes of IC 14-23-8, the meaning set forth in
4	IC 14-23-8-1.
5	(20) (19) For purposes of IC 14-25-2-4, the meaning set forth in
6	IC 14-25-2-4.
7	(21) (20) For purposes of IC 14-25-10, the meaning set forth in
8	IC 14-25-10-1.
9	(22) (21) For purposes of IC 14-25-11-19, the meaning set forth
10	in IC 14-25-11-19.
11	(23) (22) For purposes of IC 14-28-5, the meaning set forth in
12	IC 14-28-5-2.
13	(24) (23) For purposes of IC 14-31-2, the meaning set forth in
14	IC 14-31-2-5.
15	(25) (24) For purposes of IC 14-25-12, the meaning set forth in
16	IC 14-25-12-1.
17	$\frac{(26)}{(25)}$ For purposes of IC 14-33-14, the meaning set forth in
18	IC 14-33-14-3.
19 20	(27) (26) For purposes of IC 14-33-21, the meaning set forth in
20 21	IC 14-33-21-1. (28) (27) For purposes of IC 14-34-6-15, the meaning set forth in
22	IC 14-34-6-15.
23	(29) (28) For purposes of IC 14-34-14, the meaning set forth in
24	IC 14-34-14-1.
25	(30) (29) For purposes of IC 14-37-10, the meaning set forth in
26	IC 14-37-10-1.
27	SECTION 5. IC 14-8-2-124 IS AMENDED TO READ AS
28	FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 124. "Historic
29	property", for purposes of IC 14-20-1 and IC 14-21-1, means:
30	(1) a historic site;
31	(2) a historic structure; or
32	(3) other personal or real property located on or in a historIC
33	historic site or historic structure.
34	SECTION 6. IC 14-8-2-125 IS AMENDED TO READ AS
35	FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 125. "Historic site", for
36	purposes of IC 14-20-1 and IC 14-21-1, means a site that is important
37	to the general, archeological, agricultural, economic, social, political,
38	architectural, industrial, or cultural history of Indiana. The term
39	includes adjacent property that is necessary for the preservation or
40	restoration of the site.
41	SECTION 7 IC 14-8-2-126 IS AMENDED TO READ AS

FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 126. "Historic





structure", for purposes of IC 14-20-1 and IC 14-21-1, means a
structure that is important to the general, archeological, agricultural
economic, social, political, architectural, industrial, or cultural history
of Indiana. The term includes adjacent property that is necessary for the
preservation or restoration of the structure.

SECTION 8. IC 14-8-2-202 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 202. (a) "Person" means, except as provided in subsections (b) through (j), an individual, a partnership, an association, a fiduciary, an executor or administrator, a limited liability company, or a corporation.

- (b) "Person", for purposes of IC 14-12-2, has the meaning set forth in IC 14-12-2-3.
- (c) "Person", for purposes of IC 14-16, IC 14-24, IC 14-26-2, IC 14-28-1, IC 14-28-3, IC 14-29-6, and IC 14-38-2, means an individual, a partnership, an association, a fiduciary, an executor or administrator, a limited liability company, a corporation, other legal entity, the state, or an agency, a political subdivision, or another instrumentality of the state.
- (d) "Person", for purposes of IC 14-12-1, IC 14-12-2, IC 14-20-1, IC 14-21, IC 14-25 through IC 14-29, except as otherwise provided in this section, IC 14-33, IC 14-34, and IC 14-37, means an individual, a partnership, an association, a fiduciary, an executor or administrator, a limited liability company, a corporation, or a governmental entity.
- (e) "Person", for purposes of IC 14-22-31.5, has the meaning set forth in IC 14-22-31.5-2.
- (f) "Person", for purposes of IC 14-25-3, has the meaning set forth in IC 14-25-3-1.
- (g) "Person", for the purposes of IC 14-25-7, has the meaning set forth in IC 14-25-7-5.
- (h) "Person", for purposes of IC 14-34, means an individual, a partnership, a limited liability company, an association, a society, a joint stock company, a firm, a company, a corporation, or other business organization.
- (i) "Person", for purposes of IC 14-38-1, has the meaning set forth in IC 14-38-1-2.
- (j) "Person", for purposes of IC 14-24-12, has the meaning set forth in IC 14-24-12-4.
- SECTION 9. IC 14-8-2-208, AS AMENDED BY P.L.160-1999, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 208. "Political subdivision" has the following meaning:
 - (1) For purposes of IC 14-12-1, the meaning set forth in



1	IC 14-12-1-2.
2	(2) For purposes of IC 14-20-1, the meaning set forth in
3	IC 14-20-1-4.
4	(3) For purposes of IC 14-32-8, the meaning set forth in
5	IC 14-32-8-2.
6	SECTION 10. IC 14-8-2-258 IS AMENDED TO READ AS
7	FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 258. "Site", for
8	purposes of IC 14-20-1 and IC 14-21, includes the following:
9	(1) An aboriginal mound, a fort, an earthwork, a village location,
10	a burial ground, a ruin, a mine, a cave, a battleground, a
11	shipwreck, or other similar location on land or under water.
12	(2) A location that contains or did contain a structure.
13	SECTION 11. IC 14-8-2-268 IS AMENDED TO READ AS
14	FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 268. "Structure", for
15	purposes of IC 14-20-1 and IC 14-21, means a manmade construction.
16	SECTION 12. IC 14-9-4-1 IS AMENDED TO READ AS
17	FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 1. The following
18	divisions are established within the department:
19	(1) Accounting.
20	(2) Administrative support services.
21	(3) Budget.
22	(4) Engineering.
23	(5) Entomology and plant pathology.
24	(6) Fish and wildlife.
25	(7) Forestry.
26	(8) Historic preservation and archeology.
27	(9) Human resources.
28	(10) Internal audit.
29	(11) Land acquisition.
30	(12) Law enforcement.
31	(13) Management information systems.
32	(14) Nature preserves.
33	(15) Oil and gas.
34	(16) Outdoor recreation.
35	(17) Public information and education.
36	(18) Reclamation.
37	(19) Reservoir management.
38	(20) Safety and training.
39	(21) Soil conservation.
40	(22) State museums and historic sites.
41	(23) (22) State parks.
12	(24) (23) Water.

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1	SECTION 13. IC 14-10-2-5 IS AMENDED TO READ AS	
2	FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 5. (a) The department	
3	may adopt emergency rules under IC 4-22-2-37.1 to carry out the duties	
4	of the department under the following:	
5	(1) IC 14-9.	
6	(2) This article.	
7	(3) IC 14-11.	
8	(4) IC 14-12-2.	
9	(5) IC 14-14.	
10	(6) IC 14-17-3.	
11	(7) IC 14-18, except IC 14-18-6 and IC 14-18-8.	
12	(8) IC 14-19-1, IC 14-19-4, and IC 14-19-5.	
13	(9) IC 14-20-1.	
14	(10) IC 14-21.	
15	(11) (10) IC 14-22-3, IC 14-22-4, and IC 14-22-5.	
16	(12) (11) IC 14-23-1.	
17	(13) (12) IC 14-25, except IC 14-25-8-3, IC 14-25-11, and	
18	IC 14-25-13.	
19	(14) (13) IC 14-26.	
20	(15) (14) IC 14-27.	
21	(16) (15) IC 14-28.	
22	(17) (16) IC 14-29.	
23	(18) (17) IC 14-35-1, IC 14-35-2, and IC 14-35-3.	
24	(b) A rule adopted under subsection (a) expires not later than one	
25	(1) year after the rule is accepted for filing by the secretary of state.	
26	SECTION 14. IC 14-10-3-1 IS AMENDED TO READ AS	
27	FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 1. This chapter applies	\
28	to the property managers of each of the following divisions of the	
29	department:	
30	(1) State parks.	
31	(2) Forestry.	
32	(3) Fish and wildlife.	
33	(4) Reservoir management.	
34	(5) State museums and historic sites.	
35	SECTION 15. IC 14-12-2-14 IS AMENDED TO READ AS	
36	FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 14. (a) The Indiana	
37	heritage trust project committee is established.	
38	(b) The project committee consists of the following sixteen (16)	
39	members:	
40	(1) The director of the division of fish and wildlife.	
41	(2) The director of the division of forestry.	
42	(3) The director of the division of nature preserves.	

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1	(4) The director of the division of state parks.
2	(5) The director of the division of outdoor recreation.
3	(6) The director chief executive officer of the division of state
4	museums and historic sites. commission.
5	(7) Ten (10) individuals appointed by the governor:
6	(A) who are residents of Indiana;
7	(B) who have a demonstrated interest or experience in:
8	(i) conservation of natural resources; or
9	(ii) management of public property;
10	(C) each of whom resides in a different congressional district;
11	and
12	(D) who represent the following:
13	(i) The environmentalist community.
14	(ii) The academic community.
15	(iii) Organized hunting and fishing groups.
16	(iv) The forest products community.
17	(v) The parks and recreation community.
18	SECTION 16. IC 14-21-1-13 IS AMENDED TO READ AS
19	FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 13. The division may
20	do the following:
21	(1) Recommend the purchase, lease, or gift of historic property of
22	archeological importance and make recommendations to the
23	director, council, and commission regarding policies affecting the
24	operation and administration of these sites and structures by the
25	section of historic sites of the division of state museums and
26	historic sites. commission.
27	(2) Prepare and review planning and research studies relating to
28	archeology.
29	(3) Conduct a program of education in archeology, either within
30	the division or in conjunction with an institution of higher
31	education.
32	(4) Inspect and supervise an archeological field investigation
33	authorized by this chapter.
34	SECTION 17. IC 14-21-1-14 IS AMENDED TO READ AS
35	FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 14. (a) This section
36	does not apply to real property that is owned by a state educational
37	institution (as defined in IC 20-12-0.5-1).
38	(b) The Indiana department of administration shall notify the
39	division of a proposed transfer of real property owned by the state at
40	the earliest planning stage and no later than ninety (90) days before the
41	date of the proposed transfer.
42	(c) The division shall inspect the property and notify the Indiana



1	department of administration of the location of each historic site or
2	historic structure on the property.
3	(d) Real property owned by the state may not be sold or transferred
4	until the division has stated in writing that the property does not, to the
5	best of the division's knowledge, contain a historic site or historic
6	structure.
7	(e) If the Indiana department of administration receives notice of a
8	historic site or historic structure on the property, the Indiana
9	department of administration shall reserve control of the appropriate
0	historic property by means of a covenant or an easement contained in
1	the transferring instrument.
2	(f) The division of state museums and historic sites commission
3	shall administer property reserved under subsection (e).
4	SECTION 18. IC 35-43-1-5 IS ADDED TO THE INDIANA CODE
.5	AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
6	1, 2001]: Sec. 5. A person who knowingly or intentionally alters,
7	without a permit, historic property located on property owned or
8	leased by the state commits a Class B misdemeanor.
9	SECTION 19. [EFFECTIVE JULY 1, 2001] (a) The definitions in
20	IC 4-36, as added by this act, apply throughout this SECTION.
21	(b) All real property, personal property, and artifacts of the
22	division of state museums and historic sites is transferred from the
23	division of state museums and historic sites to the commission.
24	(c) Rules that concern the division of state museums and historic
25	sites that were adopted by the natural resources commission shall
26	be treated as rules applying to the commission.
27	(d) All powers, duties, assets, and liabilities of the department
28	of natural resources regarding the division of state museums and
29	historic sites and artifacts of the division of state museums and
30	historic sites that are attributable to the division of state museums
31	and historic sites are transferred to the commission.
32	(e) A reference to the department of natural resources in a
33	statute or rule concerning the division of state museums and
34 35	historic sites shall be treated as a reference to the commission.
5 86	(f) Notwithstanding IC 4-36-2-2(b), as added by this act, the initial appointments to the commission under IC 4-36-2-2 shall be
87	staggered as follows:
88	(1) Two (2) persons appointed by the governor and one (1)
9 89	person appointed by the foundation shall be appointed to
10	serve a one (1) year term ending June 30, 2002.
11	(2) Two (2) persons appointed by the governor and one (1)
12	person appointed by the foundation shall be appointed to
-	person appointed by the roundation shall be appointed to



1	serve a two (2) year term ending June 30, 2003.
2	SECTION 20. THE FOLLOWING ARE REPEALED [EFFECTIVE
3	IULY 1 20011: IC 14-8-2-266: IC 14-8-2-283: IC 14-20-1

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Rules and Legislative Procedures, to which was referred House Bill 2146, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Delete the title and insert the following:

A BILL FOR AN ACT to amend the Indiana Code concerning state administration and to make an appropriation.

Delete everything after the enacting clause and insert the following:

(SEE TEXT OF BILL)

and when so amended that said bill do pass.

(Reference is to HB 2146 as introduced.)

MOSES, Chair

Committee Vote: yeas 8, nays 0.

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